

REMARKS

By this amendment, claims 1-3, 7-19, 22-27, 29-34, 36, 38, 39, 42-49 and 52 are pending, in which claims 1, 2, 8-10, 18, 22, 23, 26, 27, 29, 36, 38, 39 and 42-49 are currently amended. No new matter is introduced.

The Office Action mailed June 15, 2011, **A)** rejected claims 36, 38, 39 and 42-49 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; **B)** rejected claims 1-3, 7-9, 22-27, 36, 38, 39 and 44 under 35 U.S.C. § 103(a) as obvious based on *Microsoft Outlook 97* in view of *Thomas* (US 6,944,272), *Hardt* (US 2005/0114453) and *Domnitz* (US 6,912,398); **C)** rejected claims 10-19, 29-34, 45-49 and 52 under 35 U.S.C. § 103(a) as obvious based on *Outlook* in view of *Thomas*, *Domnitz* and *Kirkland* (US 2005/0149622); and **D)** rejected claims 42 and 43 under 35 U.S.C. § 103(a) as obvious over *Outlook*, in view of *Thomas*, *Hardt* and *Domnitz* and in further view of *Kirkland*. The rejections are traversed for the reasons presented below.

A. 35 U.S.C. § 101 Rejection of Claims 36, 38, 39 and 42-49

With respect to the rejection of claims 36, 38, 39 and 42-49 under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter, Applicants respectfully disagree with the Office Action's assertion. However, in an attempt to expedite prosecution, and to reduce issues for potential appeal, Applicants amend claims 36, 38, 39 and 42-49 to recite, "non-transitory computer-readable storage medium." Applicants assert that claims 36, 38, 39 and 42-49 even further recite statutory subject matter and are in compliance with 35 U.S.C. § 101.

Accordingly, withdrawal of the rejection is respectfully requested.

B. 35 U.S.C. § 103(a) Rejection of Claims 1-3, 7-9, 22-27, 36, 38, 39 and 44

With respect to the rejection of claims 1-3, 7-9, 22-27, 36, 38, 39 and 44 under 35 U.S.C. § 103(a) as obvious based on *Outlook*, *Thomas*, *Hardt* and *Domnitz*, Applicants traverse the rejection for at least the following reasons.

Independent claim 1 recites, *inter alia*, "directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message comprises a message sent to a group or community address." The Office Action alleged that *Outlook* teaches the above-recited feature at pages 86, 157-159. Office Action, page 4.

Outlook discloses that the "key to addressing a message is your address book. To find the right person, you need to use the right address book at the right time" (emphasis added). *Outlook*, page 86. *Outlook* also discloses creating a personal group that is a group of email correspondents—also called a personal distribution list. *Outlook*, page 157. *Outlook* discloses adding users' names to the personal group and then, rather than entering each email address associated with the users, the user can select the personal distribution list. *Id.* Thus, when one wants to send an email to all of the users associated with the personal group, all that is needed is to select the personal group. *Id.*

Because all of the users that are part of the group are known to the user sending the message, at least because the user sending the message created the personal group by entering the individual email addresses, a personal distribution list cannot teach a "generic-recipient message [that] comprises a message sent to a group or community address." Therefore, *Outlook* cannot teach the above-recited feature of independent claim 1. Because *Thomas*, *Hardt* and *Domnitz* do not cure *Outlook's* deficiency, independent claim 1 is patentable for at least the above-recited feature.

Further, the Office Action acknowledged that *Outlook* does not teach, "determining one or more recipients for the message based at least in part upon the determined type [of communication medium of the message]," as recited in independent claim 1. Office Action, page 4. However, the Office Action alleged that *Thomas* cures *Outlook's* deficiency at column 9, lines 36-40 and Table 2. *Id.*

Here, *Thomas* discloses merely, "[i]t should be appreciated that the above-described method can also be adapted to forward selected message [sic] to other subscribers." *Thomas*, C9/L38-41. Regardless of whether *Thomas* discloses determining one or more subscribers for a message, *Thomas* does not disclose that the one or more subscribers are determined "based at least in part upon [a] determined type [of communication method of the message]," as recited in independent claim 1. *See Thomas*, C8/L49-C9/L41.

Therefore, because *Thomas* cannot disclose, "determining one or more recipients for the message based at least in part upon the determined type [of communication medium of the message]," as recited in independent claim 1, *Thomas* cannot cure *Outlook's* deficiency. Because *Hardt* and *Domnitz* do not cure *Outlook's* and *Thomas's* deficiencies, independent claims 1 is patentable for at least the additional above-recited feature.

Independent claims 22 and 36 variously recite similar features as the above-recited features of independent claim 1, with varying subject matter. Thus, for at least the same reasons presented above with respect to independent claim 1, independent claims 22 and 36 also are patentable over *Outlook*, *Thomas*, *Hardt* and *Domnitz*. Dependent claims 2, 3, 7-9, 23-27, 38, 39 and 44 also are patentable for at least the reasons independent claims 1, 22 and 36 are patentable, from which the claims variously depend, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

C. 35 U.S.C. § 103(a) Rejection of Claims 10-19, 29-34, 45-49 and 52

With respect to the rejection of claims 10-19, 29-34, 45-49 and 52 under 35 U.S.C. § 103(a) as obvious based on *Outlook*, *Thomas*, *Domnitz* and *Kirkland*, Applicants traverse the rejection for at least the following reasons.

Independent claim 10 recites, *inter alia*, "directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message comprises a message sent to a group or community address." At least for the same reasons discussed above with respect to the first-discussed feature of claim 1 regarding a generic-receipt message, *Outlook*, *Thomas* and *Domnitz* cannot teach the above recited feature of independent claim 10. Because *Kirkland* does not cure *Outlook's*, *Thomas's* and *Domnitz's* deficiencies with respect to a generic-receipt message, independent claim 10 is patentable over *Outlook*, *Thomas*, *Domnitz* and *Kirkland*.

Further, independent claim 10 recites, *inter alia*, "determining whether the message has priority based at least in part on the determined type [of communication medium of the message] and on the predefined attributes by comparing the predefined attributes of the message with pre-stored priority information" (emphasis added). The Office Action fails to address the feature of "determining whether the message has priority based at least in part on the determined type [of communication medium of the message]" as required based on the language of the claim. See Office Action, pages 18-19. For at least this reason, the Office Action has failed to establish a *prima facie* basis of obviousness for independent claim 10 because the Office Action failed to consider all of the features of the claim. Therefore, the rejection of claim 10 must be withdrawn.

Independent claims 29 and 45 variously recite similar features as the above-recited features of independent claim 10, with varying subject matter. Thus, for at least the same

reasons presented above with respect to independent claim 10, independent claims 29 and 45 also are patentable over *Outlook*, *Thomas*, *Domnitz* and *Kirkland*. Dependent claims 11-19, 30-34, 46-49 and 52 also are patentable for at least the reasons independent claims 10, 29 and 45 are patentable, from which the claims variously depend, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

D. 35 U.S.C. § 103(a) Rejection of Claims 42 and 43

With respect to the rejection of claims 42 and 43 under 35 U.S.C. § 103(a) based on *Outlook*, in view of *Thomas*, *Hardt* and *Domnitz* and in further view of *Kirkland*, *Kirkland* fails to overcome the deficiencies set forth above with respect to *Outlook*, in view of *Thomas*, *Hardt* and *Domnitz*. Therefore, dependent claims 42 and 43 also are patentable for at least the reasons independent claim 36 is patentable, from which the claims depend, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9959 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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